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Federal Communications Commission
Washington, D.C. 20554

FEB 13 1998

The Honorable John L. Mica
U. S. House of Representatives
106 Cannon House Office Building
Washington, D.C. 20515

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FEB 20 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Congressman Mica:

Thank you for your letter dated January 8, 1998, on behalf of your constituent, Linda W. Chapin, Orange County Chairman, Orlando, Florida, concerning the placement and construction of facilities for the provision of personal wireless services and radio and television broadcast services in her community. Your constituent's letter refers to issues being considered in three proceedings that are pending before the Commission. In MM Docket No. 97-182, the Commission has sought comments on a Petition for Further Notice of Proposed Rule Making filed by the National Association for Broadcasters and the Association for Maximum Service Television. In this proceeding, the petitioners ask the Commission to adopt a rule limiting the exercise of State and local zoning authority with respect to broadcast transmission facilities in order to facilitate the rapid build-out of digital television facilities, as required by the Commission's rules to fulfill Congress' mandate. In WT Docket No. 97-192, the Commission has sought comment on proposed procedures for reviewing requests for relief from State and local regulations that are alleged to impermissibly regulate the siting of personal wireless service facilities based on the environmental effects of radio frequency emissions, and related matters. Finally, in DA 96-2140 and FCC 97-264, the Commission twice sought comments on a Petition for Declaratory Ruling filed by the Cellular Telecommunications Industry Association seeking relief from certain State and local moratoria that have been imposed on the siting of commercial mobile radio service facilities.

Because all of these proceedings are still pending, we cannot comment on the merits of the issues at this time. However, I can assure you that the Commission is committed to providing a full opportunity for all interested parties to participate. The Commission has formally sought public comment in all three proceedings and, as a result, has received numerous comments from State and local governments, service providers, and the public at large. Your letter, your constituent's letter, as well as this response, will be placed in the record of all three proceedings and will be given full consideration.

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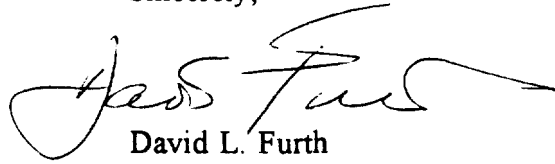
The Honorable John L. Mica

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Further information regarding the Commission's policies toward personal wireless service facilities siting, including many of the comments in the two proceedings involving personal wireless service facilities, is available on the Commission's internet site at <http://www.fcc.gov/wtb/siting>.

Thank you for your inquiry.

Sincerely,

A handwritten signature in black ink, appearing to read "David L. Furth", with a long, sweeping horizontal line extending to the right.

David L. Furth
Chief, Commercial Wireless Division
Wireless Telecommunications Bureau

JOHN L. MICA
7TH DISTRICT, FLORIDA
COMMITTEE ON GOVERNMENT REFORM
AND OVERSIGHT
CHAIRMAN, SUBCOMMITTEE ON CIVIL SERVICE
SUBCOMMITTEE ON NATIONAL SECURITY
INTERNATIONAL AFFAIRS AND CRIMINAL JUSTICE
COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE
SUBCOMMITTEE ON SURFACE TRANSPORTATION
SUBCOMMITTEE ON RAILROADS
COMMITTEE ON HOUSE OVERSIGHT

Congress of the United States
House of Representatives
Washington, DC 20515-0907

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(904) 756-9798
email: john.mica@mail.house.gov
http://www.house.gov/mica/mica.htm

January 8, 1998

Chairman William Kennard
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Dear Chairman Kennard:

Enclosed please find a copy of a letter written by the Honorable Linda W. Chapin, Orange County Chairman. As a former local and state official, I take the concerns of our local officials seriously.

As you can see, she is concerned about the FCC's attempts to preempt local zoning of wireless towers. Specifically, she is troubled about the FCC's proposal which could remove local government from monitoring radiation from cellular towers. She also believes that the proposed rule banning the moratoria localities have imposed on cellular towers while they revise zoning ordinances are an infringement of local authority.

I would greatly appreciate your response to this matter.

With my regards and best wishes, I remain

Sincerely,

John L. Mica
Member of Congress

intern
wireless



JAN 05 1998

December 30, 1997

Honorable John L. Mica
United States House of Representatives
District 7
1211 Semoran Blvd., Ste. 117
Casselberry, FL 32707

RE: Federal Communications Commission (FCC) Proposed Rule Making Regarding Tower Locations

Dear Representative Mica:

The FCC is considering three proposed rules, all of which would preempt local zoning authority to various degrees. The first would preempt local authority to establish temporary moratoria on cellular tower siting; a second would amend the existing rule on the environmental effects of radio frequency emissions from cellular towers, including an attempt to remove local government from monitoring radiation from cellular towers; and a third would preempt much of local governments' authority over the zoning and siting of broadcast towers.

Orange County views these rules as unwarranted intrusions into local government authority. The County Attorney's Office has filed briefs with the FCC stating the County's case. Copies of the County's responses are attached for your information. Our federal lobbyists will be working with the Congress on these matters. And the National Association of Counties (NACO) is at the vanguard of this fight, working with the FCC, the Congress, and the Administration on behalf of county governments.

In fact, Orange County has joined NACO's Telecommunications Legal Defense Fund. NACO will coordinate with the U.S. Conference of Mayors and the National League of Cities in the hiring of counsel to represent local governments before the FCC and in the courts on cases the local government organizations believe to be precedent setting and related to the issues mentioned above.

In conclusion, in an era in which devolution has been a watchword, it is ironic that some in Washington seem to want to preempt traditional local zoning powers. I hope I can count on you to keep an eye on the FCC's activities.

LINDA W. CHAPIN, *Orange County Chairman*

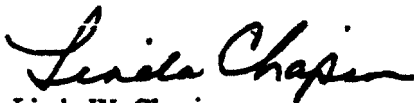
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Telephone (407) 836-7370 • <http://www.citizens-first.co.orange.fl.us>

Commissioners: Bob Freeman, Dist. 1 • Tom Suley, Dist. 2 • Mary I. Johnson, Dist. 3 • Clarence M. Hoenesline, Dist. 4 • Ted B. Edwards, Dist. 5 • Mable Butler, Dist. 6

Honorable John L. Mica
December 30, 1997
Page 2

Sincerely Yours,



Linda W. Chapin
Orange County Chairman

- c. Board of County Commissioners
Jean C. Bennett, County Administrator
Tom Wilkes, County Attorney
Paul Chipok, Assistant County Attorney
Robert Spivey, Assistant to the County Administrator
Skip Dafalis, Aicaide & Faye